

AMENDED IN SENATE DECEMBER 17, 2009

SENATE BILL

No. 465

**Introduced by Senators Huff, Aanestad, Ashburn, Benoit, Cox,
Dutton, and Hollingsworth**

*(Coauthors: Assembly Members DeVore, Gaines, Gilmore, Jeffries,
Knight, Nestande, Niello, Silva, and Smyth)*

February 26, 2009

An act to add Section 14218.3 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 465, as amended, Huff. Voter identification: proof of identity.

Existing law requires a person desiring to vote at a polling place to announce his or her name and address to a precinct board member and to write this information on the roster of voters.

This bill would also require the person to present proof of his or her identity to a member of the precinct board before receiving a ballot. The bill would require the proof of identity to contain the person's name and photograph, to be either unexpired or expired after the last general election, and to be issued by the United States, the State of California, or a tribal government. The bill would permit a voter who is unable to present proof of identity to cast a provisional ballot and would require the voter to provide identification to the county registrar of voters within 5 business days *of voting*. ~~The bill would make a violation or attempted violation of the identification requirement a felony.~~

The bill, by requiring county elections officials to perform new duties ~~and by creating new crimes~~, would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Voter Identification Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) The right to vote is one of our most important and
- 5 fundamental rights, and the State of California has a special and
- 6 compelling interest in safeguarding each and every vote from abuse
- 7 or fraud.
- 8 (b) Current law does not require any proof of identity to be
- 9 presented at the time of voting in person at the polling place or by
- 10 a vote by mail ballot.
- 11 (c) To deter potential voter fraud and ensure the right of citizens
- 12 to vote, it is necessary that poll workers verify the identity of each
- 13 person desiring to vote to ensure that the person actually casting
- 14 a ballot is the person entitled to vote.
- 15 SEC. 3. Section 14218.3 is added to the Elections Code, to
- 16 read:
- 17 14218.3. (a) An eligible citizen who desires to vote in person
- 18 at a polling place shall present proof of his or her identity to a

1 member of the precinct board at the time of voting that satisfies
2 all of the following requirements:

3 (1) The proof of identity contains the name of the citizen and
4 that name matches the name in the voter index.

5 (2) The proof of identity contains a photograph of the citizen.

6 (3) The proof of identity contains an expiration date and that
7 date has not yet passed or passed after the date of the last general
8 election.

9 (4) The proof of identity was issued by the United States or the
10 State of California or is a tribal enrollment card or other form of
11 tribal identification issued by a tribal government.

12 (b) A precinct board member shall visually confirm the
13 photograph and signature of the person desiring to vote and shall
14 record the identifying number, if any, and the form of identification
15 presented in the roster of voters.

16 ~~(e) A violation or attempted violation of subdivision (a) shall~~
17 ~~constitute fraud pursuant to Section 18500.~~

18 ~~(d)~~

19 (c) A voter desiring to vote in person who is unable to present
20 one of the forms of valid proof of identification listed in
21 subdivision (a) shall be entitled to vote a provisional ballot. A
22 voter casting a provisional ballot pursuant to this subdivision shall
23 provide valid proof of identification to the county registrar of voters
24 within five business days of voting a provisional ballot.

25 ~~(e)~~

26 (d) The requirement to present valid proof of identification when
27 voting shall be prominently printed on all sample ballots near the
28 location where the voter's polling place is indicated.

29 ~~(f)~~

30 (e) The provisions of this section are severable. If any provision
31 of this section or its application is held invalid, that invalidity shall
32 not affect other provisions or applications that can be given effect
33 without the invalid provision or application.

34 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
35 ~~Section 6 of Article XIII B of the California Constitution for certain~~
36 ~~costs that may be incurred by a local agency or school district~~
37 ~~because, in that regard, this act creates a new crime or infraction,~~
38 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
39 ~~or infraction, within the meaning of Section 17556 of the~~
40 ~~Government Code, or changes the definition of a crime within the~~

1 ~~meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

3 ~~However, if the Commission on State Mandates determines that~~
4 ~~this act contains other costs mandated by the state, reimbursement~~
5 ~~to local agencies and school districts for those costs shall be made~~
6 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
7 ~~4 of Title 2 of the Government Code.~~

8 *SEC. 4. If the Commission on State Mandates determines that*
9 *this act contains costs mandated by the state, reimbursement to*
10 *local agencies and school districts for those costs shall be made*
11 *pursuant to Part 7 (commencing with Section 17500) of Division*
12 *4 of Title 2 of the Government Code.*